



# Secretary's Directive

MARYLAND DEPARTMENT OF JUVENILE JUSTICE

DIRECTIVE NO. 00-07

Effective Date: August 2, 2000

To: All Department Personnel

Subject: Contacts with Private Companies That May Become Involved in Procurement Activities

I wish to remind all DJJ staff that they must be careful to avoid communicating with private contractors in any manner that falls outside the scope of the State Procurement Law. Art. 83C, § 2-104(l) specifically provides that DJJ is subject to State finance and procurement laws.

DJJ staff must be scrupulous in their dealings with the private sector. Discussions with private contractors can inadvertently lead to that contractor's disqualification under certain provisions of the State's Public Ethics Law, which prohibit an entity from bidding on a contract if it has helped develop the specifications for the contract. Md. Code Ann., State Government Article, § 15-508 provides:

(a) An individual who assists an executive unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement, or a person that employs the individual, may not:

- (1) submit a bid or proposal for that procurement; or
- (2) assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement.

(b) For purposes of subsection (a) of this section, assisting in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement does not include:

- (1) providing descriptive literature such as catalogue sheets, brochures, technical data sheets, or standard specification "samples," whether requested by an executive agency or provided on an unsolicited basis;
- (2) submitting written comments on a specification prepared by an agency or on a solicitation for a bid or proposal when comments are solicited from two or more persons as part of a request for information or a prebid or preproposal process;
- (3) providing specifications for a sole source procurement made in accordance with § 13-107 of the State Finance and Procurement Article; or
- (4) providing architectural and engineering services for programming, master planning, or other project planning services.

  
Bishop L. Robinson  
Secretary

